IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 18811 of 2004

Between:

T. Someshwar Rao, S/o. Gopal Rao,
Nalgonda District Co.op. Central Bank Ltd.

Nalgonda R/o. Nalgonda.

..... PETITIONER

AND

1 The District Collector/Person-incharge/

Chairman (Appellate Authority)
The Nalgonda District Co.op. Central Bank Limited,

Nalgonda.
2 The General Manager,
The Nalgonda District Co.op. Central Bank Limited,

Nalgonda. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more in the nature of writ of mandamus declaring the impugned order passed by the respondent No.1 in his proceedings Rc.No. Estt/D3/F.Lok.2/2003-04 dated 12-7-2004 reducing the basic pay of the petitioner by (2) annual grade increments at the rate of Rs. 250/- each with effect from 26-6-2004 reducing the basic pay from Rs. 8170/- to Rs. 7670/- and non-consideration of the appeal by the appellate authority namely; the respondent No. 1 as illegal, arbitrary, unjust and violative of Art. 14 and 16 of the constitution of India, besides being violative of principles of natural justice and contrary to the service law governing the petitioner, while issuing a consequential direction to the respondents to continue to pay the basic pay of Rs. 8170/- with future increments as and when they fall due with all attendant and consequential benefits in the interest of justice.

Counsel for the Petitioner: MR.D.GOVARDHANACHARY

Counsel for the Respondent No.2 : MR.T.AMARNATH GOUD

Counsel for the Respondent No.1: GP FOR COOPERATION

The Court made the following :

ORDER:

The petitioner herein, who is an employee in the respondent-Bank, seeks to assail the impugned order passed by the first respondent in his proceedings in Rc.No.Estt./D3/F.Lok.2/2003-04 dated 12-07-2004 whereunder the basic pay of the petitioner was ordered to be reduced.

Heard Sri D.Govardhanachary, learned Counsel appearing for the petitioner and Sri T.Amarnath Goud, learned Counsel appearing for the respondent-Bank. At their request, the main writ petition itself is taken up for disposal.

The main grievance of the petitioner is that though he had submitted an appeal to the first respondent herein, who is the appellate authority, on 28-7-2004, so far no orders have been passed and the same is still pending. Hence, the petitioner was compelled to file this writ petition for redressal of his grievance.

Having heard the learned Counsel appearing for the parties and having perused the material available on record, it is to be seen that when a statutory appeal is pending before the first respondent-appellate authority, it is not open for this Court to go into the merits of the case at this stage.

In the circumstances of the case, without expressing any opinion on the merits of the case, I feel that in the interest of justice, it would suffice if the first respondent is directed to dispose of the appeal filed by the petitioner within a period of one month from the date of receipt of a copy of this order.

With the observation as above, the writ petition is disposed of. However, it is made clear that interim suspension granted by this Court on 13-10-2004, shall remain in force till the disposal of the said appeal by the first respondent. There shall be no order as to costs.

25th March,2005

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Copy to:

1 The District Collector/Person-incharge/

Chairman (Appellate Authority)
The Nalgonda District Co.op. Central Bank Limited,

Nalgonda.

2 The General Manager,
The Nalgonda District Co.op. Central Bank Limited,

Nalgonda.

3 Two CCs to the GP for Co-operation,

High Court Buildings, High Court of A.P.,

Hyderabad. (O.U.T.)

4 Two CD copies.